

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SENECA NATION, a federally recognized
Indian tribe,
Plaintiff,

18-CV-429-LJV-MJR
AMENDED
CASE MANAGEMENT ORDER

-v-

KATHLEEN C. HOCHUL, in her official capacity as
Governor of New York,
LETITIA JAMES, in her official capacity
As New York State Attorney General,
MARIE T. DOMINGUEZ, in her official capacity as
Commissioner of the New York State
Department of Transportation,
THOMAS P. DiNAPOLI, in his official capacity as
Comptroller of the State of New York, and
THE NEW YORK STATE THRUWAY AUTHORITY,

Defendants.

IT IS ORDERED that:

1. The parties shall confer and select a Mediator, confirm the Mediator's availability, ensure that the Mediator does not have a conflict with any of the parties in the case, identify a date and time for the initial mediation session, and file a stipulation confirming their selection on the form provided by the Court no later than **3/1/2024**. If the parties do not file a stipulation confirming their selection of a mediator by this deadline, the Court will select a mediator in accordance with Section 5.4(C)(2) of the ADR Plan.
2. The initial mediation session shall be held no later than **3/29/2024**.

3. All motions to compel shall be filed no later than **4/22/2024**. If a discovery dispute arises, the movant must advise the undersigned of the dispute and request a conference by submitting a **motion in letter form** (copying opposing counsel) to the Court as soon as possible and no later than the deadline to complete fact discovery. See Rule 16(b)(3)(B)(v). The letter should be filed electronically in CM/ECF using the "**Motion**" event option (**Civil > Motion >**

Discovery) with a notation in the filing caption that the letter pertains to a discovery dispute. Upon review of the letter, a conference will be scheduled with the parties to attempt to resolve the issue informally. If the dispute is not resolved informally, the parties will be given the opportunity to file a formal motion. This informal discovery dispute resolution process is not expedited motion practice. Therefore, letter submissions should provide a brief overview of the issue with supporting documentation and the parties' positions. Parties do not waive arguments by failing to raise them in their letter submissions.

4. All fact discovery shall be completed no later than **5/24/2024**.

5. The parties shall identify any expert witnesses and produce their reports pursuant to Fed.R.Civ.P. 26(a)(2) as follows:

(a) plaintiff shall identify any expert witnesses and produce their report by **5/31/2024**,

(b) defendants shall identify any expert witnesses and produce their reports by **6/28/2024**,

(c) plaintiff shall identify any rebuttal expert witnesses and produce their report by **7/26/2024** and

(d) defendant shall identify any rebuttal expert witnesses and produce their reports by **8/23/2024**.

6. All expert depositions shall be completed no later than **9/20/2024**.

7. Pretrial dispositive motions, if any, shall be filed no later than **12/13/2024**. Such motions shall be made returnable before the undersigned.

8. If no pretrial dispositive motions are filed, the parties shall contact the chambers of the Hon. Lawrence J. Vilardo by **12/20/2024** to schedule a trial date.

9. Mediation sessions may continue, in accordance with Section 5.11 of the ADR Plan, until **12/13/2024**. The continuation of mediation sessions shall not delay or defer other dates set forth in this Case Management Order.

No extension of the above deadlines will be granted except upon written application, filed prior to the deadline, showing good cause for the extension. The parties are reminded that "a finding of 'good cause' depends on the diligence of the moving party". *Parker v. Columbia Pictures Industries*, 204 F.3d 326, 340 (2d Cir. 2000).

SO ORDERED.

DATED: February 22, 2024
Buffalo, New York

/s/ Michael J. Roemer
MICHAEL J. ROEMER
United States Magistrate Judge